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Serial No. 10/630,499
60,130-1845; 03MRA0345

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John L. Bennett
Serial No.: 10/630,499
Filed: July 30, 2003
Art Unit: 3681
Examiner: Lewis, Tisha D.
Title: AXLE ASSEMBLY WITH TRANSVERSE MOUNTED ELECTRIC MOTORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

In response to the final Office Action of July 26, 2005, applicant respectfully requests consideration of the following arguments.

Claims 1, 2, 4, 8, 9, 11-14, and 16-29 are pending in the application including independent claims 1, 13, and 27. Claims 3, 5-7, 10, and 15 have been cancelled. Claims 13, 14, 16, 17, and 23-26 are allowed. Claims 2, 19, and 20 are indicated as allowable.

Claims 1, 4, 8, 18, 21, 22 and 27-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Reffle. Claim 1 recites that the electric motor is defined substantially along a second axis of rotation transverse to the first axis of rotation of the first and second axle shafts.

The examiner argues that Reffle discloses a first axis for axle shafts 20a, 20b and a second axis for motor 25. However, the second axis of motor 25 is not transverse to the first axis

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of the axle shafts 20a, 20b. Transverse means, "Situating or lying across; crosswise." See The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company, Published by Houghton Mifflin Company. As Reffle does not disclose a transverse orientation as claimed, Reffle cannot anticipate claim 1.

Claim 18 recites that the driven gear comprises a single gear that drives the pinion gear about an axis of rotation generally parallel to the second axis of rotation. As defined in claim 1, the driven gear is part of a first stage gear reduction driven by the motor, where the first stage gear reduction includes a drive gear driven about the second axis of rotation by the motor and a driven gear driven by the drive gear.

The examiner argues that Reffle discloses a drive gear 26 and a driven gear 31. However, driven gear 31 is not a single driven gear. The motor 25 drives the drive gear 26, which drives driven gear 27, which is mounted on shaft 28. Shaft 28 supports gear 29, which drives idler gear 30, which drives driven gear 31. There are three (3) additional driven gears between drive gear 26 and gear 31. Thus, gear 31 cannot comprise a single driven gear as claimed, and Reffle cannot anticipate claim 18.

Claim 21 recites that the driven gear directly drives the pinion gear. It is clear from Figure 3 that gear 31 does not directly drive pinion gear 33. Gear 31 drives shaft 32, which directly drives pinion gear 33. Thus, Reffle cannot anticipate claim 21.

Claim 27 recites that an electric motor is defined substantially along a second axis of rotation extending along a direction having at least a component extending parallel to a pair of main longitudinal members and transverse to the first axis of rotation where *the first axis of rotation and the second axis of rotation are contained within a common plane.*

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It is clear from Figure 3 of Reffle that the axis of the motor 25 and the axis of the axle shafts for wheels 20a 20b do not lay within a common plane. The axis for the motor 25 extends in a vertical direction and is longitudinally spaced from the axis of the axle shafts for the wheels 20a, 20b, which extends in a lateral direction. Thus, Reffle clearly does not anticipate claim 27.

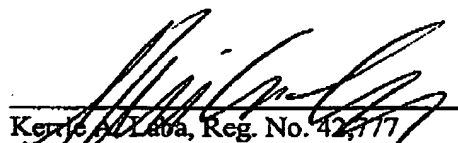
Claims 9, 11, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reffle in view of newly cited Adam (US 5651748). Claim 9 recites a third stage gear reduction driven by the ring gear and coupled to the differential. Reffle discloses using two gear reductions. Adam discloses a two-speed differential. None of the references either alone or in combination, disclose a combination of three different gear reductions. Further, none of the references disclose positioning a third stage gear reduction to be driven by a ring gear of the second state gear reduction and to be coupled to the differential. The only disclosure of such a combination is found in applicant's own disclosure, which cannot be used as a basis for providing motivation or suggestion to modify Reffle.

Thus, for the reasons set forth above, applicant respectfully asserts that the examiner has failed to provide a prima facie case of obviousness under 35 U.S.C. 103(a), and respectfully requests that the rejection be withdrawn.

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Applicant respectfully submits that this case is in condition for allowance. Applicant asserts that no additional fees are required, however, if any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds.

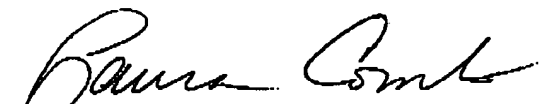
Respectfully submitted,


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Dated: September 16, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on September 16, 2005.


Laura Combs